

Subject: Re: Andrews v. Tri Star Discovery
Date: Wednesday, February 9, 2022 at 2:38:44 PM Central Standard Time
From: Daniel Arciniegas
To: Betsy Hart
CC: Roland Mumford, Tara Swafford
Attachments: image001[57].jpg, image002[55].jpg

Cannot agree Defendant's proposed protective order as drafted. The definition for confidential is overbroad and vague. Based on what we have not received I think this our fundamental stumbling block. While there is a mechanism to challenge designations, I think that process unnecessarily increases the expense when there is over-designation.

In addition,

Section 7 – definition of “Witness” is vague – may be unduly restrictive – it needs to allow me to talk to potential witnesses – fact and expert.

Section 10 is problematic – can't compel someone to sign anything, and I shouldn't have to incur the expense of a deposition if they refuse to sign.

There may be some aspects of the proposed protective order that are objectionable, but these are the major ones.

Go ahead and file your motion for it. We will treat the material as if it is in effect until the Court makes its determination. Production should no longer be delayed. Production will also to have more informed discussions, and hopefully also to lessen the gap in our respective positions.

Also, like our client many current and former employees signed NDAs, or severance agreements that we may need to go ahead and talk about having the Court address these, but that will likely be a separate motion. I wanted to put that out there so if Defendant has any creative, less burdensome thoughts on how to cure the “chilling effect” those may have on potential witnesses.



Daniel Arciniegas

Attorney
Arciniegas Law
1242 Old Hillsboro Rd.
The Atrium Building
Franklin, TN 37069
T. 629.777.5339
AttorneyDaniel.com

From: Betsy Hart <betsy@swaffordlawfirm.com>
Date: Tuesday, February 8, 2022 at 11:36 AM
To: Daniel Arciniegas <daniel@attorneydaniel.com>
Cc: Roland Mumford <roland@mumfordlaw.net>, Tara Swafford <tara@swaffordlawfirm.com>
Subject: Andrews v. Tri Star Discovery

Daniel,

The .msg documents that were previously produced have been converted to PDFs. Those are attached with new bates numbers.

We still have not received your client's subsequent wage and income information that you indicated would be produced by January 28. What is the status of that?

I have attached a revised proposed protective order that does not include a highly confidential designation since, at this time, we do not plan to produce any documents that would fall into that category. By entering into the attached protective order, Tri Star is not waiving its right to move for a new or amended protective order that would include a highly confidential designation in the event it becomes necessary to produce documents that should be designated at highly confidential and warrant greater protection. The proposed order includes your requested changes that counsel can retain copies of all documents for a year after appeal deadlines, and that the designating party is the one that should move for protection if there's a dispute. Please let me know if you can agree to this version of the protective order, with the understanding that Tri Star retains its right to move for a new or amended order down the road if necessary, so that we can keep discovery moving.

Please give me or Tara a call if you would like to discuss. Thanks.



Elizabeth "Betsy" Hart
321 Billingsly Ct., Suite 19
Franklin, TN 37067
615-599-8406 office
502-741-6831 cell
615-807-2355 fax

Note: This email may contain PRIVILEGED and CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. Your receipt of this email is not intended to waive any applicable privilege. If you are not an intended recipient of this email, please note that any unauthorized use or copying of this email or its contents is strictly prohibited. If you have received this email in error, please delete it and notify the sender immediately.